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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,825	07/17/2000	Andrea Drei		7759

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EXAMINER
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TSAI, HENRY

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/617,825	Applicant(s) DREI, ANDREA	
	Examiner Henry W.H. Tsai	Art Unit 2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/24/04.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other:  |

**DETAILED ACTION**

***Reissue Applications***

1. In accordance with Federal Register, Vol. 69, 9/21/04, 37 CFR 1.178 is amended to eliminate the requirement of physical surrender of the original letters patent (i.e., the "ribbon copy" of the original patent) in a reissue application (See comments at pages 56521-56522).

2. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

3. Claims 1-34 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect is set forth above.

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 19, 22, 23, 25-29, 32 and 33 are rejected under, 35 U.S.C. 102(b) as being anticipated by Werkmeister et al. (U.S. 3,582,000).

Referring to claims 19 and 27, Werkmeister et al. discloses the claimed invention comprising, a mechanism for the individual release of the bars (43, see Fig. 2) and a bar pusher (44, see Figs. 1 and 2) for pushing a bar into a spindle of an automatic lathe (A, see Fig. 1), the bar pusher being adapted to connect with a collet (45, see Figs. 1 and 2) which is adapted to receive the rear end of a released bar (43, see Fig. 2), and further comprising: a carriage (9, see Fig. 4) having grip elements (22/22 in Fig. 1 or 52/53 in Fig. 7) for the bar to be

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advanced, the carriage (9, see Fig. 4) being slidably actuated (note Fig. 6 shows the carriage 9 is slidably actuated along the sliding member 8) between an initial position (see Fig. 5, when the grip elements 22/22 are in the close position), wherein the grip elements are actuated so as to grip the bar (43, see Fig. 2) deposited thereon and a final position (see Col. 3, lines 54-57, note the grip elements 22/22 are in the open position when the carriage is in the final position) where the bar is released by the grip elements after inserting the bar in the collet (45, see Figs. 1 and 2) and into the spindle of the lathe (A, see Fig. 1); the bar pusher (44, see Fig. 1) being supported for translatory movement (at least along the axial direction, see Fig. 2); and the bar pusher being aligned with the deposited bar (43, see Fig. 2) when the carriage is in the final position (see Col. 3, lines 54-57, note the grip elements 22/22 are in the open position when the carriage is in the final position.

As to claims 22 and 32, Werkmeister et al. also discloses: the grip elements comprising V-shaped blade elements (see Fig. 2, the V-shaped blade elements 22, 22 contacting the bar 43) which are actuated in manual contrast to grip the released bar (43, see Fig. 2) interposed therebetween them.

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As to claims 23 and 33, Werkmeister et al. also discloses: the grip elements (52, 53, Fig. 7) being fixed on two respective posts (54, 55, see Fig. 7) which are parallel and sliding supported in the carriage (9, see Fig. 4) and have racks which mesh with a pinion (74, see Fig. 8), with which a lever (72, see Fig. 8) is radially rigidly coupled.

As to claims 25, 26, 28, and 29, Werkmeister et al. also discloses: a guide (42, see Fig. 2) operatively associated with the carriage (9, see Fig. 4), the guide supporting a bar (43, see Fig. 2) when such bar is advanced into the collet (45, see Figs. 1 and 2); and the guide (42, see Fig. 2) including a plurality of supporting elements (the contact surfaces inside the guide 42 are best reasonably broadly interpreted as the supporting elements).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the

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subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 24, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werkmeister et al. in view of Link (U.S. 5,662,014).

Werkmeister et al. discloses the claimed invention except for: a fluid actuated jack mounted on the carriage acting on the lever.

Link discloses a bar-feeding machine comprising a fluid actuated jack (294, see Fig. 4) mounted on the carriage (274', see Fig. 4) acting on the lever (286a or 286b, see Fig. 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Werkmeister et al.'s device to comprise a fluid actuated jack mounted on the carriage acting on the lever, as taught by Link, in order to increase the force for clamping the bar mounted in the Werkmeister et al.'s device. Besides, using the fluid actuated jack is just an alternative moving drive comparing with that of Werkmeister et al.'s device (solenoid 71) using electricity.

***Response to Amendment***

8. Applicant's arguments filed 2/24/04 have been fully considered but they are not deemed to be persuasive.

Regarding the reissue oath/declaration, **Applicants** mentioned that to address the Examiner's concerns, a supplemental reissue declaration, including the language quoted in the August 12th Office Action, is being submitted under separate cover. However, the supplemental reissue declaration still has not been received. The rejection is maintained.

Regarding art rejections, Applicants argue that a carriage slidably actuated between an initial gripping position and a final releasing position, as recited in claim 19 and exemplified in one embodiment in the specification, is not taught or even suggested by the Werkmeister reference (page 4, first paragraph). Examiner disagrees with Applicants. As set forth in the art rejections above, Werkmeister et al. discloses the claimed invention comprising, the carriage (9, see Fig. 4) being slidably actuated (note Fig. 6 shows the carriage 9 is slidably actuated along the sliding member 8) between an initial position (see Fig. 5, when the grip elements 22/22 are in the close position), wherein the grip elements are actuated so as to grip



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the bar (43, see Fig. 2) deposited thereon and a final position (see Col. 3, lines 54-57, note the grip elements 22/22 are in the open position when the carriage is in the final position) where the bar is released by the grip elements after inserting the bar in the collet (45, see Figs. 1 and 2) and into the spindle of the lathe (A, see Fig. 1). The claim language is best reasonably and broadly interpreted.

Applicants also argue that further, Werkmeister fails to teach a carriage acting between an initial position, where said grip elements are actuated so as to grip the bar deposited thereon and a final position, where said bar is released by said grip elements after inserting the bar in the collet and into the spindle of the automatic lathe, as recited in claim 19 ((page 6, third paragraph). Examiner disagrees with Applicants. Again, as set forth above, Werkmeister et al. discloses the claimed invention comprising, the carriage (9, see Fig. 4) being slidably actuated (note Fig. 6 shows the carriage 9 is slidably actuated along the sliding member 8) between an initial position (see Fig. 5, when the grip elements 22/22 are in the close position), wherein the grip elements are actuated so as to grip the bar (43, see Fig. 2) deposited thereon and a final position

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(see Col. 3, lines 54-57, note the grip elements 22/22 are in the open position when the carriage is in the final position) where the bar is released by the grip elements after inserting the bar in the collet (45, see Figs. 1 and 2) and into the spindle of the lathe (A, see Fig. 1). The claim language is best reasonably and broadly interpreted.

Applicants further argue that in fact, the carriage 9 of Werkmeister does not do any inserting, but instead simply holds the work piece 43 as the feed member 44 inserts the clamp member 45 onto the end of the work piece 43 (page 6, 22-24). Examiner disagrees with Applicants. Based on the claimed language, "inserting the bar in the collet" can be broadly interpreted and it is not necessarily be conducted by the grip element.

Applicants further argue that Werkmeister does not teach a carriage which is slidable, nor a carriage which advances a bar end into a collet, as recited in claim 27. Examiner disagrees with Applicants. Werkmeister et al. discloses the carriage (9, see Fig. 4) being slidably actuated (note Fig. 6 shows the carriage 9 is slidably actuated along the sliding member 8) between an initial position (see Fig. 5, when the grip elements 22/22 are in the close position). As described in claim 27,

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lines 6-7, Werkmeister et al. discloses a carriage (9, see Fig. 4) having grip elements (22/22 in Fig. 1 or 52/53 in Fig. 7) for a bar (43, see Fig. 2) to be advanced, said carriage being slidable (Fig. 6 shows the carriage 9 is slidably actuated along the sliding member 8) so as to advance the bar end into a collet (note when the grip elements 22/22 are in the close position, the bar end can be advanced into a collet). The claim language is best reasonably and broadly interpreted.

**Applicants further argue that Link fails to remedy the deficiencies of Werkmeister addressed above. (page 8, lines 10-11).** Examiner disagrees with Applicants. As set forth above, Werkmeister et al. discloses the claimed invention except for: a fluid actuated jack mounted on the carriage acting on the lever. Link discloses a bar-feeding machine comprising a fluid actuated jack (294, see Fig. 4) mounted on the carriage (274', see Fig. 4) acting on the lever (286a or 286b, see Fig. 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Werkmeister et al.'s device to comprise a fluid actuated jack mounted on the carriage acting on the lever, as taught by Link, in order to increase the force for clamping the bar mounted in the Werkmeister et al.'s device.

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Besides, using the fluid actuated jack is just an alternative moving drive comparing with that of Werkmeister et al.'s device (solenoid 71) using electricity.

In summary, Werkmeister et al. and Werkmeister et al. and Link (U.S. 5,662,014) teach the claimed invention.

***Allowable Subject Matter***

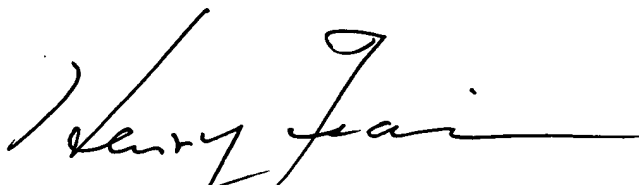
9. As set forth in the previous Office Action, the following is a statement of reasons for the indication of allowable subject matter: Werkmeister et al. (3,582,000) is the closest cited reference. However, Werkmeister et al. does not teach or fairly suggested that the supporting elements to support a bar released from the system are slidable (claim 1); and means for locking and actuating the pusher between an offset position and a position where the pusher is aligned with the bar deposited on the supporting elements (claims 2 and 8); a plate articulated on the carriage and adapted to oscillate between a position for abutment on the bar and an inactive position (claims 20 and 30).

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**Contact Information**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Henry Tsai whose telephone number is (571) 272-4176. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Eddie Chan, can be reached on (571) 272-4162. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to **the TC central telephone number, 571-272-2100.**

11. In order to reduce pendency and avoid potential delays, Group 2100 is encouraging FAXing of responses to Office actions directly into **the Group at fax number: 703-872-9306.** This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2100 will be promptly forward to the examiner.



HENRY W. H. TSAI  
PRIMARY EXAMINER

December 8, 2004